Kevin P. Roddy, Esq.
WILENTZ, GOLDMAN & SPITZER, P.A.
90 Woodbridge Center Dr., Suite 900
Woodbridge, NJ 07095
Telephone: (732) 636-8000
Facsimile: (732) 726-6686
Email: kroddy@wilentz.com

William W. Palmer, Esq. (SBN 146404)
(To be admitted *Pro Hac Vice*)
PALMER LAW GROUP, a PLC
2443 Fair Oaks Boulevard, No. 545
Sacramento, CA 95825
Telephone: (916) 972-0761
Facsimile: (916) 972-0877
wpalmer@palmercorp.com

Jonathan S. Massey
Bret R. Vallacher
Matthew E. Layden
(*Pro Hac Vice Counsel*)
MASSEY & GAIL LLP
1000 Maine Ave. SW
Suite 450
Washington, D.C. 20024
Telephone: (202) 650-5452
Facsimile: (312) 379-0467
jmassey@masseygail.com
bvallacher@masseygail.com
mlayden@masseygail.com

Attorneys for Plaintiff Vial and proposed Class Members

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAIME VIAL, as representative of the heirs of Rene Correa Borquez and on behalf of other persons similarly situated,
 	
     Plaintiff,
 	
     v.
 	
 ELIZABETH MAHER MUOIO, in her official capacity as TREASURER OF THE STATE OF NEW JERSEY; STEVEN HARRIS, in his official capacity as ADMINISTRATOR OF THE STATE OF NEW JERSEY UNCLAIMED PROPERTY ADMINISTRATION; and KELMAR ASSOCIATES, LLC,
 	
     Defendants.
	Case No.: 3:24-cv-11301-RK-JBD
	
	 DECLARATION OF EXPERT WITNESS JAN PETERS IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, Jan Peters, declare as follows:

1.   I make this Declaration in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. The facts set forth in this Declaration are of my own personal knowledge, and if called as a witness, I could and would testify competently as to their truth.

2.   I am an expert in the technical area of Information Technology. From 2000 to June 2010, I was a Senior Software Development Engineer and Senior Business Development Specialist at Amazon's German subsidiary, Amazon.de. In these roles, I functioned as a professional Information Technology ("IT") specialist, including working to integrate and utilize search engines like Amazon S3 or Google Search into hundreds of online shops I have launched or consulted since 2000. Since the middle of 2010, I have been serving as Senior eCommerce IT Specialist at BMW Global. In that role, I developed, maintained, and operated 90% of all online sales platforms of BMW, MINI, Rolls Royce, and BMW Motorrad, always exploring and utilizing search engine technologies and underlying data engineering to optimize the achievement of sales targets. Based on my vast experience working with websites, I offer the following observations and opinions.

3.   I have visited the New Jersey Unclaimed Property website:

https://www.nj.gov/treasury/unclaimed-property/

This website is plagued by many easily remedied deficiencies that make it more difficult (or impossible) to locate unclaimed property.

4.   For example, a search for "Phil Murphy," the Governor of New Jersey, produces 1,000 hits (the search is arbitrarily capped at a maximum of 1,000 hits), from "Philip Murphy" of Union City to "Thomas Murphy" of Jersey City, to a host of "Murphys" with no first names at all.

There is no discernible order. The website produces these voluminous results because the search algorithm simply does a full text search. It does not allow any narrowing or filtering of the search by any parameters - such as searching for an exact match by using quotation marks around the full name. This website is primitive. Regular modern search engines allow a user to search combining different search criteria, such as simply putting the full name in quotation marks or combining both with a + (so both terms must be present). Regular search engines also would allow a user to exclude terms by putting a simple dash ("-") right before the to-be-excluded term. For example, inputting "Peters -Peterson" would search for Peters, but exclude any Peterson from the result. This would allow a user to narrow down the search results tremendously. However, the form used by the State of New Jersey does not allow one to input a quotation mark (not even an error message gets displayed), a plus sign, or a minus sign into the search field. Without these functions, even the search results for uncommon names becomes overwhelming for most users.

5.   The website lists hundreds of other results with unnecessary matches, such as for the name "Thomas Murphy" when a user is searching only for "Phil Murphy." The website does not show any sorting mechanism; so the user would not have to scroll through all of the results to avoid overlooking potential hits by abbreviations such as "P. Murphy" or misspellings like "Murph." Based on my experience working on websites, the result order is very likely dependent on the search process—i.e., how the software script runs through the database—rather than any logical order.

6.   It leaves the user—who is just a lay person searching for his property—to review all 1,000 matches. (As discussed in more detail below, the search function is also arbitrarily limited to just 1,000 matches even if there are more.)

7.   This problem grows exponentially with more common names. In fact, it appears that the website's database is limited to 1,000 results when the name is common—and does even list all of the properties beyond 1,000. For example, searching for "John Smith" or "Mark Johnson" all yielded exactly 1,000 results. There are clearly more than 1,000 results found for these common researches, but the cap is limited to 1,000.
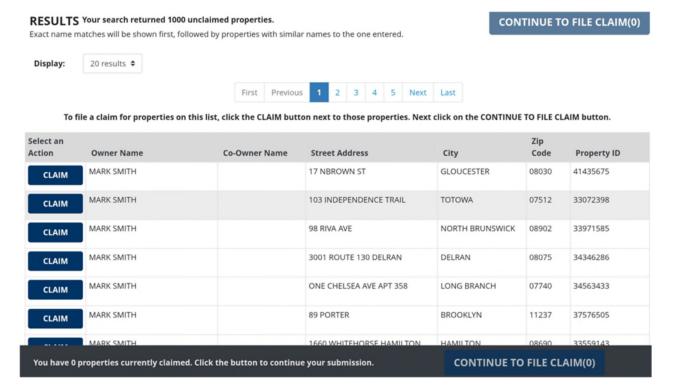

8.   Accordingly—unless by sheer coincidence all of these names yield exactly 1,000 properties—some seized properties go completely unlisted and will never be found.

9.   Furthermore, German Umlauts such as ü/ä/ö are forbidden from being entered into the search field. As a result, for example, a user does not have the opportunity to narrow the search, by entering cities such as "München" in the city field.

10.   Even beyond the search problems, the results themselves do not enable an owner to ensure that the property referenced is actually theirs.

11.   When searching for one's property, the only fields listed include the "owner name", "co-owner name", "street address", "city", "zip code" and "property ID."

12.   New Jersey's website does not contain a description of the property to allow the individual to confirm that it is in fact his/her property. Such a description would also help the individual determine what exactly was taken.

13.   New Jersey's website does not provide dates of when the property was taken, which would also assist the individual determine what exactly was taken.

14.   New Jersey's website does not provide any information about the property itself or at least its value at the time it was taken or sold, which would also assist the individual determine what exactly was taken.

15.   Based on my advanced understanding of websites, adding these fields would not be difficult or at all burdensome. And adding these fields would greatly assist individuals in determining whether they actually had property escheated to the state.

16.   Moreover, to the best of my knowledge the contents of the database are not available on search engines (such as Google). Allowing the database to be crawled by search engines would also not be difficult—and would allow individuals to locate their seized property more easily.

17.   In sum, this primitive website conveys no notice to property owners and though it could be updated and corrected, it is seriously flawed and largely inoperable at present.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct. Executed on January 31, 2025, at Munich, Germany.

_____
Jan Peters

CERTIFICATE OF SERVICE

I, Kevin P. Roddy, hereby certify that on this 3rd day of February 2025, I filed the foregoing

Declaration of Expert Witness Jan Peters in Support of Motion For Temporary Restraining Order

and Preliminary Injunction with the Clerk of Court using the CM/ECF system, which will effect

service on all participating Defendants.

/s/ Kevin P. Roddy

Kevin P. Roddy
Attorney for Plaintiff and Proposed Class Members